

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILIP MORRIS INCORPORATED,
et al.,

Defendants.)

Civil Action No. 99-CV-02496 (GK)

Next Scheduled Court
Appearance: July 18, 2002

LORILLARD TOBACCO COMPANY'S RESPONSES
TO THE UNITED STATES' FIRST SET OF REQUESTS FOR ADMISSION
TO ALL DEFENDANTS, AMENDED PURSUANT TO ORDER #119

Lorillard Tobacco Company ("Lorillard") responds to the United States' First Set of Requests for Admission to All Defendants, amended pursuant to Order #119 ("Requests") as follows:

DEFINED OBJECTIONS

The Defined Objections are set forth below to avoid restating objections to Plaintiff's Requests and, as appropriate, are specifically incorporated into Lorillard's responses to Plaintiff's Requests. The underlined heading of each Defined Objection is provided only for ease of reference, is not intended to define or limit the scope of the Defined Objection, and is not to be considered a substantive part of the Defined Objection.

A. Unreasonable Time: Lorillard objects to these Requests as overly broad and unduly burdensome to the extent they request information for an unreasonably long period of time or an unlimited period of time, up to and including the present, when no reasonable necessity is shown.

B. Publicly Available Documents: Lorillard objects to these Requests as unduly burdensome to the extent they seek information from publicly available documents. The burden of obtaining such information is substantially the same for Plaintiff as it is for Lorillard.

15:40 FR 10 1655#26367#18047 P.07/33

RESPONSE: Lorillard incorporates by reference Defined Objections B ("Publicly Available Documents"), D ("Relevance"), and E ("Reasonable Particularity"). Lorillard further objects to this Request because it must speculate as to the exact meaning Plaintiff places on the phrases "state publicly," "your agreement" and "any scientific or medical information," which are subject to varying interpretations and are, therefore, vague and ambiguous.

Subject to and without waiving these or the Objections to Plaintiff's Instructions and Definitions stated above, Lorillard states that the scientific information continues to develop with respect to smoking and health issues. Lorillard further states that, as a matter of company policy, Lorillard has agreed that cigarette smoking can cause lung cancer, chronic obstructive pulmonary disease, including emphysema and chronic bronchitis, and heart disease. Lorillard, however, continues to recognize the validity of the traditional scientific standards of causation and believes that in some circumstances it is reasonable to apply these standards. Lorillard further admits that its adoption of this company policy was "not prompted by [its] learning any scientific or medical information not previously known to [it]." Except as expressly admitted, Lorillard denies this Request.

REQUEST NO. 36: Admit that cigarettes are addictive. (PM, RJR, LL, LGI, BW, BAT)

RESPONSE: Subject to and without waiving the Objections to Plaintiff's Instructions and Definitions stated above, Lorillard admits that cigarette smoking can be addictive. Lorillard believes, however, that cigarette smokers can reach and successfully carry out a decision to quit smoking.

REQUEST NO. 39: Admit that nicotine is a substance in cigarettes that is addictive. (PM, RJR, LL, LGI, BW, BAT)

RESPONSE: Subject to and without waiving the Objections to Plaintiff's Instructions and Definitions stated above, Lorillard admits that nicotine is a naturally occurring constituent of the tobacco used in the manufacture of its commercial cigarettes. Lorillard incorporates its

to Request No. 36 set forth above. Lorillard states, after reasonable inquiry, that the information known or readily obtainable by Lorillard is insufficient to enable Lorillard to further admit or deny this Request.

REQUEST NO. 60: Admit that you do alter and/or control the amount of nicotine in your cigarettes as they are manufactured. (PM, RJR, BW, LL, BAT, LGI)

RESPONSE: Lorillard incorporates by reference Defined Objections D ("Relevance"), and E ("Reasonable Particularity"). Lorillard further objects to this Request because it must speculate as to the exact meaning Plaintiff places on the phrases "alter and/or control" and "amount of nicotine," which are subject to varying interpretations and are, therefore, vague and ambiguous. Lorillard also objects to this Request as argumentative to the extent that it assumes or implies that Lorillard "alters and/or controls" nicotine yield independently of "tar" yield in its commercial cigarettes.

Subject to and without waiving these or the Objections to Plaintiff's Instructions and Definitions stated above, Lorillard denies that it "alter[s] and/or control[s]" the nicotine yield independently of the "tar" yield of its cigarettes. Lorillard states that various techniques used in designing and manufacturing its cigarettes (e.g., filtration, ventilation and blending) have the effect of increasing or decreasing both the "tar" and nicotine yields of its cigarettes. Lorillard further states that it blends tobaccos for the purpose of making commercial cigarettes with consistent quality and smoking characteristics. Except as expressly admitted, Lorillard denies this Request.

REQUEST NO. 61: Admit that you are able to alter, affect and/or limit the amount of nicotine delivered to the smoker of your cigarettes. (PM, RJR, BW, LL, BAT, LGI)

RESPONSE: Lorillard incorporates by reference Defined Objections D ("Relevance"), and E ("Reasonable Particularity"). Lorillard further objects to this Request because it must speculate as to the exact meaning Plaintiff places on the phrases "alter, affect and/or limit" and "amount of nicotine delivered," which are subject to varying interpretations and are, therefore,

RESPONSE: Lorillard incorporates by reference Defined Objections B ("Publicly Available Documents"), D ("Relevance"), and E ("Reasonable Particularity"). Lorillard further objects to this Request because it must speculate as to the exact meaning Plaintiff places on the phrases "state publicly," "your agreement" and "any scientific or medical information," which are subject to varying interpretations and are, therefore, vague and ambiguous.

Subject to and without waiving these or the Objections to Plaintiff's Instructions and Definitions stated above, Lorillard states that the scientific information continues to develop with respect to smoking and health issues. Lorillard further states that, as a matter of company policy, Lorillard has agreed that cigarette smoking can cause lung cancer, chronic obstructive pulmonary disease, including emphysema and chronic bronchitis, and heart disease. Lorillard, however, continues to recognize the validity of the traditional scientific standards of causation and believes that in some circumstances it is reasonable to apply these standards. Lorillard further admits that its adoption of this company policy was "not prompted by [its] learning any scientific or medical information not previously known to [it]." Except as expressly admitted, Lorillard denies this Request.

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